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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,027	02/28/2002	Adam W. Smith	MS1-861USCI	6939
22801	7590	10/21/2005	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			ANYA, CHARLES E	
			ART UNIT	PAPER NUMBER
			2194	
DATE MAILED: 10/21/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/087,027	SMITH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Charles E. Anya	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3/MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 July 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-41 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08),<br>Paper No(s)/Mail Date <u>8/22/03; 1/8/04; 2/27/04; 9/1/04</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

1. Claims 1-41 are pending in this application.

### ***Claim Objections***

2. **Claims 1-9,12-17 and 20-23 objected to because of the following informalities:**

Claims 1-9,12-17 and 20-23 appear to include typographically errors. Specifically the word "A" used on line 1 of the respective claims appear to have been used in error.

For the purpose of this office action the Examiner would change the word "A" to "The".

Claims 14-17 appear to include typographical errors. There are duplicate sets of functions in the list claims.

For the purpose of this office action the Examiner change "multiple functions" on lines 2 of claims 14-17 to first set of multiple functions, second set of multiple functions, third set of multiple functions and fourth set of multiple functions respectively.

Claims 32-35 appear to include typographically errors. Specifically the term "claim 36" seems to have been used in error.

For the purpose of this office action the Examiner would change the term "claim 36" to "claim 31".

Claims 37-40 appear to include typographically errors. Specifically the term "claim 31" seems to have been used in error.

For the purpose of this office action the Examiner would change the term "claim 31" to "claim 36".

Claim 10 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

***Claim Rejections - 35 USC § 101***

**3. Claims 24-41 are rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter.**

Claims 24-41 are directed to method steps, which can be practiced mentally in conjunction with pen and paper, therefore, they are directed to non-statutory subject matter. Specifically, as claimed, it is uncertain what performs each of the claimed method steps. Moreover, each of the claimed steps, *inter alia*, managing, exposing, creating, receiving of independent claims can be practiced mentally in conjunctions with pen and paper. The claimed steps do not define a machine or computer implemented process [see MPEP 2106]. Therefore, the claimed invention is directed to non-statutory subject matter. (The examiner suggests applicant to change "method" to "computer implemented method" in the preamble to overcome 35 U.S.C. 101 rejection: NOTE: dependent claims 25-30,31-35 and 37-41 should be changed to "The computer implemented method").

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 11-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

**The following terms lack antecedent basis:**

- i. "the applications" on line 3 of claim 11.

For the purpose of this office action the Examiner would change the term "the applications" to "the one or more applications".

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 1-8,10-16,19-22,24-29,31-34 and 36-39 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,792,605 B1 to Roberts et al.**

8. As to claim 1, Roberts teaches a software architecture for a distributed comprising system comprising: an application configured to handle requests submitted by remote devices over a network (figure 1 Applications A/B, Web Services Provider C Col. 5 Ln. 1 – 24); and an application program interface to present functions used by the application to access network and computing resources of the distributed computing system (“...web services engine...” (service drivers) Col. 5 Ln. 1 – 24, Col. 5 Ln. 53 - 67).

9. As to claim 2, Roberts teaches the software architecture as recited in claim 1, wherein the distributed computing system comprises client devices and server devices that handle requests from the client devices, the remote devices comprising at least one client device (Col. 6 Ln. 14 – 19).

10. As to claim 3, Roberts teaches the software architecture as recited in claim 1, wherein the distributed computing system comprises client devices and server devices that handle requests from the client devices, the remote devices comprising at least one server device that is configured as a Web server (Col. 5 Ln. 25 – 52, Col. 6 Ln. 14 – 19).

11. As to claim 4, Roberts teaches the software architecture as recited in claim 1, wherein the application program interface comprises: a first group of services related to creating Web applications (Col. 7 Ln. 50 – 67, Col. 9 Ln. 27 – 35); a second group of services related to constructing client applications (Col. 14 Ln. 30 – 46); a third group of services related to data and handling XML documents (Col. 10 Ln. 1 – 9, Ln. 59 – 67); and a fourth group of services related to base class libraries (Col. 6 Ln. 7 – 9, Col. 8 Ln. 29 – 38, Ln. 64 – 67).

12. As to claim 5, see the rejection of claim 4 above.

13. As to claim 6, Roberts teaches the application program interface as recited in claim 5, wherein the first group of services comprises: first functions that enable construction and use of Web services (Col. 9 Ln. 27 – 35); second functions that enable temporary caching of frequently used resources (Col. 11 Ln. 1 – 5); third functions that enable initial configuration (Col. 7 Ln. 11 – 15); fourth functions that enable creation of controls and Web pages (Col. 14 Ln. 30 – 46); fifth functions that enable security in Web server applications (Col. 6 Ln. 7 – 9, Ln. 48 – 67, Col. 7 Ln. 50 – 56); sixth functions that enable access to session state values (Col. 6 Ln. 23 – 27).

14. As to claim 7, Roberts teaches the application program interface as recited in claim 5, wherein the second group of services comprises: first functions that enable

creation of windowing graphical user interface; and second functions that enable graphical functionality (Col. 14 Ln. 30 – 46).

15. As to claim 8, Roberts teaches the application program interface as recited in claim 5, wherein the third group of services comprises: first functions that enable management of data from multiple data source (Col. 5 Ln. 25 – 43); and second functions that enable XML processing (Col. 5 Ln. 25 – 37, Col. 10 Ln. 1 – 9, Ln. 59 – 67).

16. As to claim 10, see the rejection of claim 5 above.

17. As to claim 11, see the rejection of claim 1 above.

18. As to claim 12, Roberts teaches the distributed computer software architecture as recited in claim 11, further comprising a remote application configured to be executed on one of the remote computing devices, the remote application using the application programming interface to access the networking platform (figure 1 Web Service Engine 101 Col. 4 Ln. 60 – 67, Col. 5 Ln. 1 – 25).

19. As to claims 13-16, see the rejection of claims 4,6 and 7.

20. As to claim 19, Roberts teaches the system comprising: means for exposing a set of functions that enable browser/server communication; means for exposing a second set of functions that enable drawing and construction of client applications (Col. 14 Ln. 30 – 46); means for exposing a third set of functions that enable connectivity to data sources and XML functionality (Col. 5 Ln. 25 – 37, Col. 10 Ln. 1 – 9, Ln. 59 – 67); and means for exposing a fourth set of functions that enable system and runtime functionality (Col. 8 Ln. 22 – 28).

21. As to claims 20-22, see the rejection of claims 6-8 respectively.

22. As to claims 24 and 26, see the rejection of claim 19 above.

23. As to claims 27-29, see the rejection of claims 6-8 respectively.

24. As to claim 25, Roberts teaches the computer implemented method as recited in claim 24, further comprising receiving a request from a remote computing device, the request containing a call to at least one of the first, second, third, and fourth functions (Col. 5 Ln. 1 – 25).

25. As to claim 31, see the rejection of claim 24 above.

26. As to claims 32-34, see the rejection of claims 6-8 above.

27. As to claim 36, see the rejection of claim 19 above.
28. As to claims 37-39, see the rejection of claim 6-8 respectively.

***Claim Rejections - 35 USC § 103***

29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

30. **Claims 9,17,18,23,30,35,40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,792,605 B1 to Roberts et al. in view of U.S. Pat. No. 5,987,517 to Firth et al.**

31. As to claim 9, Roberts teaches the application program interface as recited in claim 5, wherein the fourth group of services comprises: first functions that enable definitions of various collections of objects (Col. 8 Ln. 50 – 67); fifth functions that enable input/output of data (Col. 8 Ln. 29 – 38, Ln. 64 – 67); sixth functions that enable a programming interface to network protocol (figure 1 Col. 4 Ln. 60 – 67, Col. 5 Ln. 25 – 37); eleventh functions that enable character encoding (inherent in XML language, since XML language supports character encoding); ninth functions that enable system

security and permissions (Col. 6 Ln. 7 – 9); tenth functions that enable installation and running of services (Col. 9 Ln. 27 – 35); and thirteenth functions that facilitate runtime operations (Col. 8 Ln. 22 – 28).

32. Roberts is silent with reference to second functions that enable programmatic access to configuration settings and handling of errors in configuration files; third functions that enable application debugging and code execution tracing; fourth functions that enable customization of data according to cultural related information; seventh functions that enable a managed view of types, methods, and fields; eighth functions that enable culture-specific resources and twelfth functions that enable multi-threaded programming;

33. Firth teaches second functions that enable programmatic access to configuration settings and handling of errors in configuration files/third functions that enable application debugging and code execution tracing (Col. 13 Ln. 6 – 29); fourth functions that enable customization of data according to cultural related information/eighth functions that enable culture-specific resources (Col. 13 Ln. 6 – 29); seventh functions that enable a managed view of types, methods, and fields; twelfth functions that enable multi-threaded programming (Col. 12 Ln. 52 – 62);

34. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Firth and Roberts because the teaching of Firth would improve the system of Roberts by creating computer network applications by using a library of reentrant network functions which allow an application

to reduce the source code required to interact with a computer network such as the internet (Firth Col. 1 Ln. 9 – 14).

35. As to claims 17,18,23,30,35,40 see the rejection of claim 9 above.

36. As to claim 41, see the rejection of claims 6-9 above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Anya whose telephone number is (571) 272-3757. The examiner can normally be reached on M-F (8:30-6:00) First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Meng-Ai can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles E Anya

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